

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL RAMIREZ MEDINA,

Petitioner,

V.

U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

Respondents.

NO. C17-218-RSM-JPD

ORDER DIRECTING SERVICE, SETTING STATUS CONFERENCE, AND SETTING BRIEFING SCHEDULE

Petitioner, who is proceeding through counsel, has filed a 28 U.S.C. § 2241 immigration habeas petition against the U.S. Department of Homeland Security (“DHS”); John Kelly, the Secretary of DHS; and Nathalie Asher, the Director of the Seattle Field Office of U.S. Immigration and Customs Enforcement (“ICE”). Having reviewed the petition, the Court finds and ORDERS:

(1) Proper respondent

Generally, the proper respondent in a habeas action is the warden of the facility where the petitioner is detained. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004); *Garcia-Consuegra v. Asher*, No. C14-1366-RAJ, Dkt. 16 (W.D. Wash. Dec. 2, 2014). To ensure the merits of this case can be resolved as expeditiously as possible, the Court adds the Warden of

1 the Northwest Detention Center as a respondent in this action. The Clerk shall update the
2 docket accordingly.

3 (2) Service

4 If not previously accomplished, electronic posting of this Order and petitioner's § 2241
5 habeas petition shall effect service upon the United States Attorney of the petition and all
6 supporting documents. Service upon the United States Attorney is deemed to be service upon
7 DHS, the Secretary of DHS, the ICE Seattle Field Office Director, and the Warden of the
8 Northwest Detention Center.

9 (3) Status conference

10 The Court will hold a status conference at **10:00 a.m. on Friday, February 17, 2017**,
11 in Courtroom 12A at the U.S. District Courthouse in Seattle, Washington. By **5:00 p.m. on**
12 **Wednesday, February 15, 2017**, the parties shall call Courtroom Deputy Agalelei Elkington
13 at (206) 370-8421 and advise her who will appear at the hearing.

14 The status conference will focus on petitioner's detention status. In addition, the Court
15 will consider requests by the parties to amend the schedule for briefing the merits of
16 petitioner's habeas petition, set forth in paragraph (4) below.

17 In preparation for the status conference, respondents shall file a brief by **9:00 a.m. on**
18 **Thursday, February 16, 2017**, that addresses the following:

19 a. Is petitioner still detained? What is the basis for his detention, given that
20 he has been granted deferred action under the Deferred Action for Childhood Arrivals
21 program?

22 b. Has petitioner been placed in removal proceedings? What was the result
23 of ICE's initial custody determination? Has petitioner requested a bond hearing before an
24 Immigration Judge? When is any bond hearing scheduled to occur?

c. Does the Court have the authority to order an Immigration Judge and the Board of Immigration Appeals to consider any challenge to petitioner's detention status on an expedited basis?

d. If petitioner is still detained and removal proceedings have *not* been initiated against him, what is the basis for ICE's authority to detain him? What limitations are there, if any, on the Court's ability to hold a detention hearing for petitioner *before* the merits of his habeas petition have been decided?

By **5:00 p.m. on Thursday, February 16, 2017**, petitioner may file a response to respondents' brief.

(4) Merits of petitioner's habeas petition

By **Monday, March 6, 2017**, respondents shall show cause why a writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. § 2243. As a part of such return, respondents shall submit a memorandum of authorities in support of their position, and should state whether an evidentiary hearing is necessary.

By **Monday, March 20, 2017**, petitioner shall file a response brief. Respondents shall not file a reply brief unless directed by the Court.

The Clerk shall note petitioner's habeas petition as ready for the Court's consideration on **Monday, March 20, 2017**.

(5) If petitioner's custody status changes at any point during this litigation, **respondents shall file a status update with the Court as soon as possible and no later than five days after the change.**

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1 (6) The Clerk is directed to send copies of this Order to petitioner and to the
2 Honorable Ricardo S. Martinez.

3 DATED this 14th day of February, 2017.

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6 JAMES P. DONOHUE
7 Chief United States Magistrate Judge
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